

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

UNITED STATES OF AMERICA	)	CRIMINAL No.: 8:20-cr-00452
	)	
vs.	)	
	)	<b>MOTION FOR LEAVE TO FILE UNDER SEAL</b>
JOHN TOWERY,	)	<b>DEFENDANT'S SENTENCING MEMORANDUM</b>
Defendant.	)	
_____	)	

The Defendant, John Towery, by and through his undersigned counsel, respectfully request that this Court issue an Order to seal his sentencing memorandum along with the accompanying exhibits which is being filed for the Court's review in anticipation of the Defendant's Sentencing Hearing, scheduled for February 8, 2022, before the Honorable Donald C Coggins, Jr. at the Donald S. Russell Federal Courthouse in Spartanburg, South Carolina.

The Defendant pled guilty to an Information Indictment for conspiracy in violation of 18 U.S.C §371 on November 2, 2021. Defendant's plea stems from his involvement in an investigation of a conspiracy to commit sex trafficking of a minor in violation of 18 U.S.C. §1594(c). A Presentence Investigation Report has been submitted by the United States Probation Office and has been reviewed by the Defendant and his counsel. The Defendant voluntarily underwent a forensic psychosexual evaluation by Dr. Geoffrey R. McKee, who has provided a written report.

As grounds for the motion, Defendant would show that the sentencing memorandum is being filed in support for a departure in the federal sentencing guidelines as well as for a variance. The memorandum contains private, personal and confidential information, a written forensic psychosexual evaluation report, and personal photographs, and, therefore, the public's access to

this information would be inappropriate, inflict an undue invasion of privacy to both the victim and defendant and therefore should be limited. Less drastic alternatives to sealing will not afford adequate protection to the Defendant at the sentencing hearing because the Defendant is procedurally required to file this action on a public docket and made a part of the public record.

Counsel will file the sentencing memorandum in accordance with the Local Civ. Rule 7.06 (D.S.C.) and provide AUSA Carrie Sherrard a copy of the sentencing memorandum along with accompanying exhibits and Dr. McKee's written report. Defendant's counsel has contacted AUSA Carrie Sherrard who consents to the sealing of the sentencing memorandum and does not oppose this motion.

For these reasons, the Defendant respectfully request that this Honorable Court grant his Motion and issue an Order permitting the filing under seal his sentencing memorandum with accompanying exhibits.

Respectfully submitted,

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January 13, 2022  
Anderson, South Carolina